

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

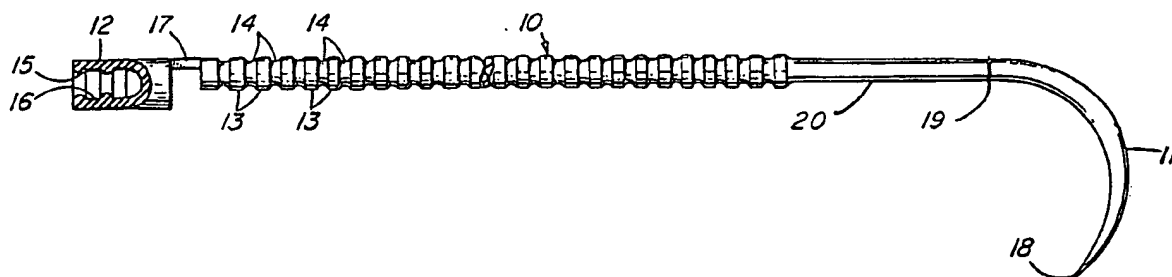
As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁴ : A61B 17/56	A1	(11) International Publication Number: WO 88/ 06022 (43) International Publication Date: 25 August 1988 (25.08.88)
(21) International Application Number: PCT/US88/00477 (22) International Filing Date: 19 February 1988 (19.02.88) (31) Priority Application Number: 031,291 (32) Priority Date: 20 February 1987 (20.02.87) (33) Priority Country: US (71)(72) Applicant and Inventor: FARRELL, Edward, M. [US/CA]; 66 Dolan Drive, Nepean, Ontario K2J 1Z1 (CA). (74) Agent: CREEDON, Vincent, M.; Wenderoth, Lind & Ponack, Southern Building, Suite 700, 805 Fifteenth Street, N.W., Washington, DC 20005 (US).		(81) Designated States: AT (European patent), AU, BE (European patent), CH (European patent), DE (European patent), FR (European patent), GB (European patent), IT (European patent), JP, LU (European patent), NL (European patent), SE (European patent). Published <i>With international search report. Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>

(54) Title: SURGICAL TYING DEVICES



(57) Abstract

A sternal tie for post-surgical reconnection of the severed halves of a sternum. The tie comprises an elongated body with needle (11) means at one end and a sleeve (12) at the opposite end, the exterior of the body having a series of lands (13) and grooves (14) adapted to mate with the lands (15) and grooves (16) provided on the inside of the sleeve (12). The tie is preferably formed from a biodegradable plastic material and is adapted for tightening by a suitable tool. The tie is less irritating to the patient than known techniques for joining the sternum after surgery.

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AT	Austria	FR	France	ML	Mali
AU	Australia	GA	Gabon	MR	Mauritania
BB	Barbados	GB	United Kingdom	MW	Malawi
BE	Belgium	HU	Hungary	NL	Netherlands
BG	Bulgaria	IT	Italy	NO	Norway
BJ	Benin	JP	Japan	RO	Romania
BR	Brazil	KP	Democratic People's Republic of Korea	SD	Sudan
CF	Central African Republic	KR	Republic of Korea	SE	Sweden
CG	Congo	LI	Liechtenstein	SN	Senegal
CH	Switzerland	LK	Sri Lanka	SU	Soviet Union
CM	Cameroon	LU	Luxembourg	TD	Chad
DE	Germany, Federal Republic of	MC	Monaco	TG	Togo
DK	Denmark	MG	Madagascar	US	United States of America
FI	Finland				

-1-

SURGICAL TYING DEVICES

This invention relates to fastening devices, and especially to devices for use in closing a severed sternum following thoracic surgery.

In cardiovascular and thoracic surgery, particularly open heart surgery, it is conventional practice to sever the sternum longitudinally and then to retract the severed sternum, and the ribs, to allow access to the internal organs, such as the heart.

The joining of the severed halves of the sternum following surgery presents a problem. A known procedure is to use suture wires, the suture wires being threaded through tissue on each side of the severed sternum through a portion of the cartilage of the sternum located between the ribs. The ends of the wire are twisted together and
snipped above the twist.

The technique disclosed above suffers from a number of disadvantages. Not the least among these is that it is very hard for the surgeon to select the appropriate tension on the suture wire to hold the sternum together. Further, the severed ends of the wires can result in macerative damage to the cartilage or the thin layer of tissue above the sternum and can even cut into the sternum. The strength of such sutures is also of critical importance, because quite frequently following chest surgery the patient has a need to cough. Coughing creates considerable strain in the rib structure, and tends to disturb the integrity of sutures applied in the above manner. Still further, the severed ends of the wire irritate the patient

SUBSTITUTE SHEET

- 2 -

and indeed can cause infection in some cases. The wire can damage bone and surrounding tissue which of course is also highly undesirable, and sets up a fracture site.

5 A number of attempts have been made to solve the above problems. For example, in United States Patent No. 4,201,215 of May 6, 1980 there is disclosed a sternal clamp comprising a metal band that is crimped into position. However, the clamp disclosed in the patent involves burning of opposed and matching holes through each side of the
10 severed cartilage of the sternum and inserting hooks through the holes, then tightening the engagement between the clamping members so that the severed sides of the cartilage are positioned to close the opening. The latter step, and the crimping step necessary to secure the clamp,
15 involve the use of tools and it will be self evident that tissue has to be damaged. The clamp is hard to remove. Further, the teachings of the United States patent do not dispose of the requirement for separate sutures.

Other attempts have been made to solve problems
20 like those defined above. These include the provision of fastening devices formed from plastics and having integral hook-like needles intended to assist in penetrating tissue. Such a construction is illustrated in United States Patent No. 3,570,497 of March 16, 1971. While the structure
25 illustrated in this patent is primarily intended for conventional suturing, it might otherwise be considered suitable for a sternal clamp, however, it has the disadvantage that once in place the structure necessary for locking the suture into a loop is of a size such as to
30 create a protrusion, resting on top of the sternum, that would be irritating to the patient. A further disadvantage of other known sternal closure structures is that they are usually formed of materials, such as stainless steel, that may have to be removed; such removal can be difficult.
35 There accordingly exists a requirement for a sternal clamp or tie that will satisfy the following needs:

1. It can readily be inserted through the tissue

SUBSTITUTE SHEET

- 3 -

surrounding the sternum minimizing risk of damaging internal organs;

2. Control of the amount of tension placed on the article during the closing of the incision can be precise;

5 3. There must be no substantial projection of the article into the tissue over the sternum;

4. It is desirable for the article to be formed from a biodegradable plastic.

5. It must have considerable strength.

10 In its broadest aspect, therefore, the present invention provides a sternal tie comprising: (i) an elongated body having a first end and a second end; (ii) needle means at the first end for perforating tissue adjacent the sternum; (iii) a central portion of the body
15 being formed with a series of alternating lands and grooves; (iv) a sleeve integral with the second end of the body; (v) the sleeve having an inside surface formed with a plurality of alternating lands and grooves matching in shape the lands and grooves on the body; (vi) the sleeve
20 having a length greater than its thickness; (vii) at least the sleeve and the body being formed from a suitable plastic material; whereby the body may be placed around the two halves of a sternum, the needle and the first end threaded through the sleeve so that the lands and grooves
25 on the body engage the lands and grooves in the sleeve, and the threading action continued until the two halves of the sternum are tightly brought together and secured in position, the sleeve deforming resiliently outward.

In the attached drawings, which illustrate
30 embodiments of the invention:

Figure 1 is a side view of a fastening device prior to use;

Figure 2 is an illustration of a portion of the device of Figure 1, with the connection completed;

35 Figure 3 is an illustration of the device of Figure 1 about to be placed in position about the sternum

- 4 -

following surgery;

Figure 4 illustrates the device after mating of the male and female portions and after removal of the needle; and

5 Figures 5 and 6 are illustrations of alternative forms of the fastener.

Referring first to Figure 1, the main body 10 of the fastener or tie has an exterior surface comprising a series of alternating lands 13 and grooves 14. The body 10
10 has a relatively thin cylindrical portion 20, to which there is connected, at end 19, by conventional means, e.g. swaging, a curved needle 11 having a point 18.

Integral with the body 10 of the connector, and joined thereto to by a connecting element 17, is a sleeve
15 12 having an interior surface comprising lands 15 and grooves 16 that mate with the grooves 14 and the lands 13 of the body 10. It is desirable but not necessary that the lands and grooves merge into each other smoothly to avoid damage to the tissue as the clamp is passed around the
20 sternum.

In Figure 3, an article according to the invention is shown just after the needle 11 has been passed around the sternum halves 22, 22' to form a loop resulting in the sleeve 12 and the needle 11 being more or less
25 aligned anterior to the sternum. The needle 11 is then passed through the sleeve 12, and it can readily be understood that the narrow portion 20 of the element 10 can be passed without interference through the sleeve 12. Then, a conventional clamping tool is used to grip portion
30 20 and forceably draw it through the sleeve 12; the resistance created by the lands and grooves in both of the elements is overcome by the tool, of a type known in the art, and precise regulation of the amount of tension applied to the portion 20 can be achieved by the tool to
35 achieve a carefully measured tightness of the element 10 around the severed halves of the sternum 22, 22'.

It can readily be seen that when in place, the

- 5 -

article according to the invention lies relatively flat against the sternum. Further, if the article is manufactured from a biodegradable material, after a predetermined length of time, established by the nature of the biodegradable material, the fastener will disintegrate after the sternum has healed.

In the embodiment of Figure 6, instead of the female element being attached to the end of the main body it is beside the end of the main body. This form of the invention ensures that the article lies flat against the anterior surface of the sternum thus reducing irritation to the patient. The embodiment of Figure 6 also disposes of the problem of selection of the dimensions of element 17 of Figure 1 if a biodegradable material is used.

It will be apparent to those skilled in the art that variations can be made in the shape of the exterior of the portion 10 and thus of the interior of the female portion 12 so long as the frictional engagement between the two parts is sufficient to prevent unwanted separation. Such a variant is shown in Figure 5, in which the lands and grooves have the form of a series of frusto-conical sections.

Turning now to the formation of the sleeve, the configuration of the interior of the sleeve, namely the lands and grooves 15 and 16, can be formed with a retractable tool as is known in the art. Alternatively, the sleeve may be formed in two halves, which are later joined together to form a unitary sleeve. A third possibility, perhaps desirable with certain forms of plastic materials, is to form the lands and grooves on the interior of a very thin sleeve slit axially, the axial slit being closed by the later placement of a sleeve of resilient material surrounding the first formed portion. Still further, a soluble core can be used and dissolved after the tie is formed.

Suitable biodegradable plastic materials include polyorthoester, polyglyconate and its copolymers, and

- 6 -

polydioxanone and its copolymers. Nonbiodegradable plastics such as polyethylene terephthalate, polybutylene and its copolymers, and isotactic polypropylene can be used. Other suitable materials will be known to those skilled in the art and the specific nature of the materials can be selected according to the specific requirements for the fastener. Since the materials used do not form part of this invention a detailed discussion of the materials is not believed necessary.

10 It will readily be seen that the invention provides a fastener having a low outside diameter that makes it highly suitable for use in surgical applications. Discomfort to the patient is minimized, and the work of the surgeon substantially reduced.

- 7 -

CLAIMS:

1. A fastener device for joining the reversed halves of a sternum, comprising:
- (i) an elongated body having a first end and a second end;
- 5 (ii) needle means at the first end for perforating tissue adjacent the sternum;
- (iii) a central portion of the body being formed with a series of alternating lands and grooves;
- (iv) a sleeve integral with the second end of the
- 10 body;
- (v) the sleeve having an inside surface formed with a plurality of alternating lands and grooves matching in shape the lands and grooves on the body;
- (vi) the sleeve having a length greater than its
- 15 thickness;
- (vii) at least the sleeve and the body being formed from a suitable plastic material;
- whereby the body may be placed around the sternum, the needle and the first end threaded through the sleeve so
- 20 that the lands and grooves on the body engage the lands and grooves in the sleeve, and the threading action continued until the two halves of the sternum are tightly brought together and secured in position, the sleeve deforming resiliently outward.
- 25 2. The device defined in claim 1 wherein the needle is formed from metal, is curved, and is secured to the first end of the body.
3. The device defined in one of claims 1 or 2 wherein the sleeve is coaxial with the body.
- 30 4. The device defined in one of claims 1-3 wherein the axis of the sleeve is parallel to the axis of the body.

SUBSTITUTE SHEET

- 8 -

5. The device defined in one of claims 1-4 wherein there is provided, between the needle means and the lands and grooves on the body, a cylindrical section longer than the sleeve and having an outside diameter no greater than the inside diameter of the grooves on the body.

6. The device defined in one of claims 1-5 wherein the lands and grooves both in the sleeve and on the body define a series of frusto-conical portions tapering inwardly toward the first end.

7. The device defined in one of claims 1-6 wherein the plastic material is a biodegradable material.

SUBSTITUTE SHEET

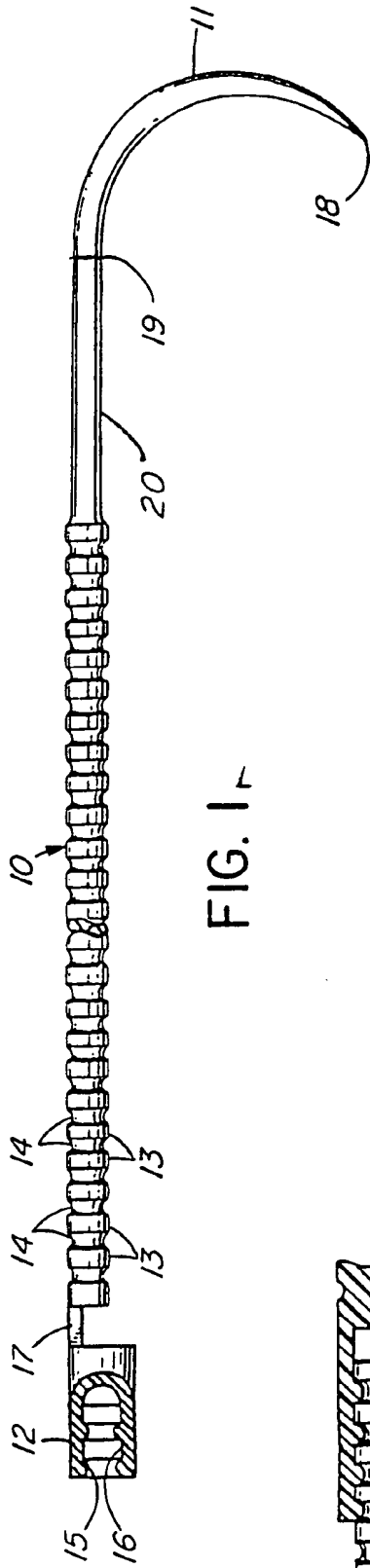


FIG. 1

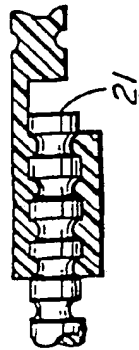


FIG. 2



FIG. 3



FIG. 4

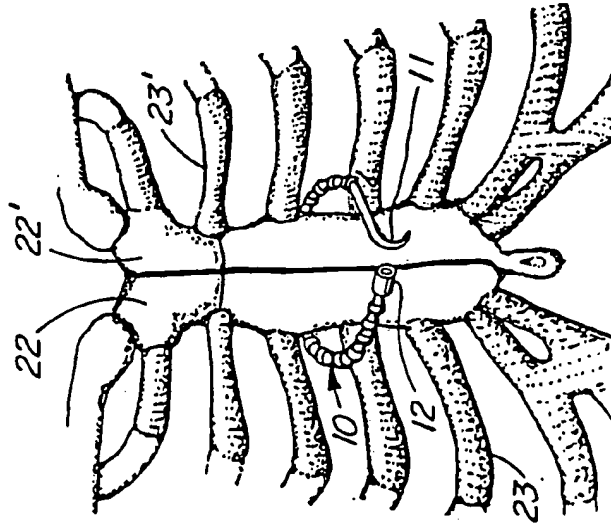


FIG. 5

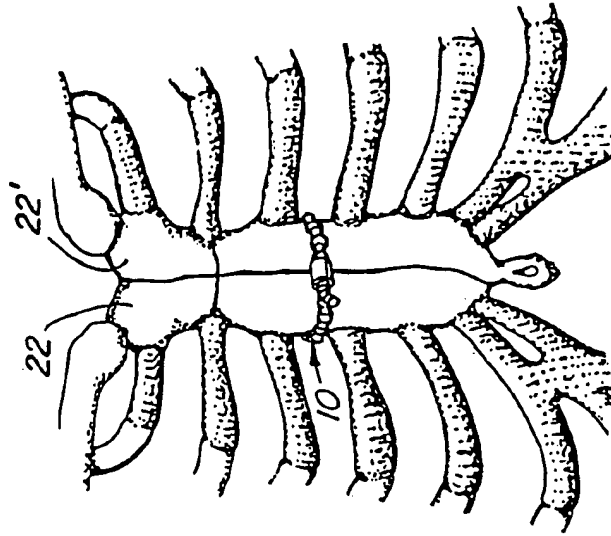


FIG. 6

INTERNATIONAL SEARCH REPORT

International Application No PCT/US 88/00477

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all) ¹ According to International Patent Classification (IPC) or to both National Classification and IPC IPC ⁴ : A 61 B 17/56																																
II. FIELDS SEARCHED <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black; margin: 5px 0;">Minimum Documentation Searched ⁷</div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black; padding: 5px;">Classification System ¹</td> <td style="border-bottom: 1px solid black; padding: 5px;">Classification Symbols</td> </tr> <tr> <td style="padding: 5px;">IPC⁴</td> <td style="padding: 5px;">A 61 B</td> </tr> </table> <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black; margin: 5px 0;">Documentation Searched other than Minimum Documentation to the Extent that such Documents are Included in the Fields Searched ⁶</div>			Classification System ¹	Classification Symbols	IPC ⁴	A 61 B																										
Classification System ¹	Classification Symbols																															
IPC ⁴	A 61 B																															
III. DOCUMENTS CONSIDERED TO BE RELEVANT ¹ <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%; border-bottom: 1px solid black; padding: 5px;">Category ¹</th> <th style="width: 60%; border-bottom: 1px solid black; padding: 5px;">Citation of Document, ¹¹ with indication, where appropriate, of the relevant passages ¹²</th> <th style="width: 30%; border-bottom: 1px solid black; padding: 5px;">Relevant to Claim No. ¹³</th> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">X</td> <td style="padding: 5px;">FR, A, 2357229 (PARTRIDGE) 3 February 1978, see the whole document</td> <td style="text-align: center; vertical-align: top; padding: 5px;">1</td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">Y</td> <td style="padding: 5px;"></td> <td style="text-align: center; vertical-align: top; padding: 5px;">2, 3, 4, 6, 7</td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">A</td> <td style="text-align: center; vertical-align: top; padding: 5px;">--</td> <td style="text-align: center; vertical-align: top; padding: 5px;">5</td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">Y</td> <td style="padding: 5px;">US, A, 3570497 (LEMOLE) 16 March 1971, see abstract; figures (cited in the application)</td> <td style="text-align: center; vertical-align: top; padding: 5px;">2, 3, 4, 6</td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">Y</td> <td style="padding: 5px;">US, A, 2987062 (ELLISON) 6 June 1961, see claim 2; figures</td> <td style="text-align: center; vertical-align: top; padding: 5px;">7</td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">A</td> <td style="padding: 5px;">US, A, 3971384 (HASSON) 27 July 1976</td> <td style="text-align: center; vertical-align: top; padding: 5px;"></td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">A</td> <td style="padding: 5px;">US, A, 4201215 (CROSSETT) 6 May 1980 (cited in the application)</td> <td style="text-align: center; vertical-align: top; padding: 5px;"></td> </tr> <tr> <td style="text-align: center; vertical-align: top; padding: 5px;">P, A</td> <td style="padding: 5px;">EP, A, 0238219 (SUTHERLAND) 23 September 1987, see abstract; figures; column 3, line 5 - column 4, line 27</td> <td style="text-align: center; vertical-align: top; padding: 5px;">1</td> </tr> <tr> <td colspan="3" style="text-align: center; padding: 5px;">-----</td> </tr> </table>			Category ¹	Citation of Document, ¹¹ with indication, where appropriate, of the relevant passages ¹²	Relevant to Claim No. ¹³	X	FR, A, 2357229 (PARTRIDGE) 3 February 1978, see the whole document	1	Y		2, 3, 4, 6, 7	A	--	5	Y	US, A, 3570497 (LEMOLE) 16 March 1971, see abstract; figures (cited in the application)	2, 3, 4, 6	Y	US, A, 2987062 (ELLISON) 6 June 1961, see claim 2; figures	7	A	US, A, 3971384 (HASSON) 27 July 1976		A	US, A, 4201215 (CROSSETT) 6 May 1980 (cited in the application)		P, A	EP, A, 0238219 (SUTHERLAND) 23 September 1987, see abstract; figures; column 3, line 5 - column 4, line 27	1	-----		
Category ¹	Citation of Document, ¹¹ with indication, where appropriate, of the relevant passages ¹²	Relevant to Claim No. ¹³																														
X	FR, A, 2357229 (PARTRIDGE) 3 February 1978, see the whole document	1																														
Y		2, 3, 4, 6, 7																														
A	--	5																														
Y	US, A, 3570497 (LEMOLE) 16 March 1971, see abstract; figures (cited in the application)	2, 3, 4, 6																														
Y	US, A, 2987062 (ELLISON) 6 June 1961, see claim 2; figures	7																														
A	US, A, 3971384 (HASSON) 27 July 1976																															
A	US, A, 4201215 (CROSSETT) 6 May 1980 (cited in the application)																															
P, A	EP, A, 0238219 (SUTHERLAND) 23 September 1987, see abstract; figures; column 3, line 5 - column 4, line 27	1																														

<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>¹⁴ Special categories of cited documents: 10</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </div> <div style="width: 45%;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"A" document member of the same patent family</p> </div> </div>																																
IV. CERTIFICATION <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding: 5px;">Date of the Actual Completion of the International Search</td> <td style="width: 50%; border-bottom: 1px solid black; padding: 5px;">Date of Mailing of this International Search Report</td> </tr> <tr> <td style="padding: 5px;">17th June 1988</td> <td style="padding: 5px;">15 JUL. 1988</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding: 5px;">International Searching Authority</td> <td style="border-bottom: 1px solid black; padding: 5px;">Signature of Authorizing Officer</td> </tr> <tr> <td style="padding: 5px;">EUROPEAN PATENT OFFICE</td> <td style="padding: 5px;"> P.C.G. VAN DER PUTTEN </td> </tr> </table>			Date of the Actual Completion of the International Search	Date of Mailing of this International Search Report	17th June 1988	15 JUL. 1988	International Searching Authority	Signature of Authorizing Officer	EUROPEAN PATENT OFFICE	P.C.G. VAN DER PUTTEN																						
Date of the Actual Completion of the International Search	Date of Mailing of this International Search Report																															
17th June 1988	15 JUL. 1988																															
International Searching Authority	Signature of Authorizing Officer																															
EUROPEAN PATENT OFFICE	P.C.G. VAN DER PUTTEN																															

ANNEX TO THE INTERNATIONAL SEARCH REPORT
ON INTERNATIONAL PATENT APPLICATION NO.

US 8800477
SA 21954

This annex lists the patent family members relating to the patent documents cited in the above-mentioned international search report. The members are as contained in the European Patent Office EDP file on 04/07/88. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
FR-A- 2357229	03-02-78	DE-A, C 2730571	12-01-78
		US-A- 4119091	10-10-78
		GB-A- 1552677	19-09-79
		JP-A- 53005889	19-01-78
		CH-A- 618866	29-08-80
		SE-A- 7707866	07-01-78
US-A- 3570497	16-03-71	None	
US-A- 2987062		None	
US-A- 3971384	27-07-76	US-A- 3698395	17-10-72
		FR-A- 2167056	17-08-73
		DE-A, C 2262403	28-06-73
		GB-A- 1401877	06-08-75
		US-A- 3926193	16-12-75
		CA-A- 1006064	01-03-77
		JP-A- 48068094	17-09-73
US-A- 4201215	06-05-80	None	
EP-A- 0238219	23-09-87	AU-A- 6959487	10-09-87
		JP-A- 62270147	24-11-87
		US-A- 4730615	15-03-88